

July 15, 2003

LOIS GUSTAFSON
5024 268th Ave NE
REDMOND WA 98053

Subject: Complaint Filed Against David Asher - PDC Case No. 03-160

Dear Ms. Gustafson:

The Public Disclosure Commission staff has completed its investigation of your complaint received March 20, 2003, alleging that David Asher violated RCW 42.17.640 by exceeding the \$625 contribution limit for the primary election when he accepted a contribution from Argosy Cruise Lines of an unspecified amount.

The PDC staff reviewed your allegations in light of the following statutes and administrative rule:

RCW 42.17.020(14)(a)(i) states that a "contribution" includes anything of value, including professional services for less than full consideration;

RCW 42.17.640 sets contribution limits for state office candidates and sets standards for acceptance of contributions for the primary and general elections;

WAC 390-17-300(5) requires that contributions for the general election may not be spent for the primary election if to do so would cause the contributor of the general election contribution to exceed that contributor's contribution limit for the primary election.

We found:

- On September 9, 2002, the David Asher campaign (hereafter the campaign) had a two-hour fundraiser on the MV Kirkland, an Argosy Cruise Lines vessel, with eighty attendees. According to the Asher campaign and Argosy Cruise Lines, the MV Kirkland remained docked for the duration of the fundraiser at Kirkland Marina. The campaign did not use any catering or host beverage services from Argosy Cruise Lines; instead, the campaign brought their own food for the event and attendees paid Argosy for their drinks at the cash bar. Governor Gary Locke and Representative Laura Ruderman, the 45th Legislative District representative in position 2, attended the event to help fundraise for Mr. Asher.

- On October 15, 2002, the campaign filed an In Kind Contribution report (PDC form Schedule B) disclosing an in-kind contribution received on September 15, 2002 for the “use of Kirkland Boat” from Argosy Cruise Lines for \$625.
- We found that in accordance with RCW 42.17.640, which defines campaign contribution limits, the Asher Campaign did not exceed the \$625 primary election contribution limit in connection with use of an Argosy Cruise Line vessel during the 2002 election. The President of Argosy Cruise Lines, John Blackman, confirmed the fair market value of the use of the docked boat of \$625 and provided written confirmation of this to the Asher campaign on April 7, 2003.
- Mr. Blackman stated to PDC staff that he valued the use of the moored boat as \$625 based on the past lack of use of the vessel on a Monday night, and the fact that the boat remained moored during the two-hour event, for which no catering service was used. Mr. Blackman stated that it is very unusual for the boat to be used while docked as it is typically used for three-hour cruises. Given these circumstances, he believed the fair market value was \$625, which is the price he would charge other customers if the circumstances were the same. Thus, the Asher Campaign did not exceed the 2002 primary election contribution limits.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against David Asher.

If you have questions, please contact Phil Stutzman, Director of Compliance, at 360-664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: David Asher